

Zoning Text Amendment No: 08-13  
Concerning: Transit Oriented Mixed-Use -  
General Commercial (C-2) Zone  
Development  
Draft No. & Date: 1- 5/30/2008  
Introduced: June 10, 2008  
Public Hearing:  
Adopted:  
Effective:  
Ordinance No:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Berliner

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- define a Transit Center;
- amend the purpose of the C-2 zone to allow transit oriented mixed-use development use in close proximity to Transit Centers; and
- generally amend the provisions of the C-2 to allow transit oriented mixed-use development near transit stations.

By amending the following sections of the Montgomery County Zoning Ordinance,  
Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2	DEFINITIONS AND INTERPRETATION
Section 59-A-2.1	Definitions
DIVISION 59-C-4	COMMERCIAL ZONES
Section 59-C-4.35	Purpose
Section 59-C-4.358	C-2 zone – Purpose and development standards
Section 59-C-4.358.1	Intent
Section 59-C-4.358.2	Eligibility

**EXPLANATION:**

***Boldface*** indicates a heading or a defined term.  
*Underlining* indicates text that is added to existing laws by the original text amendment.  
~~*[Single boldface brackets]*~~ indicate text that is deleted from existing law by the original text amendment.  
*Double underlining* indicates text that is added to the text amendment by amendment.  
~~*[[Double boldface brackets]]*~~ indicate text that is deleted from the text amendment by amendment.  
\* \* \* indicates existing law unaffected by the text amendment.

ORDINANCE

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

**Sec. 1. DIVISION 59-A-2 is amended as follows:**

**DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.**

**Sec. 59-A-2.1. Definitions.**

In this Chapter, the following words and phrases have the meanings indicated.

\* \* \*

Transit Center: A station constructed or funded for construction under the county or state capital improvement program that: 1) accommodates for a minimum of 3 public bus routes, and 2) is used by or is forecast in the Capital Improvements Program by the Department of Transportation to be used by more than 150 passengers per day.

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**Sec. 2. DIVISION 59-C-4 is amended as follows:**

**DIVISION 59-C-4. COMMERCIAL ZONES.**

\* \* \*

**59-C-4.35. C-2 zone – Purpose and development standards.**

**59-C-4.350. Purpose**

It is the purpose of this zone to provide locations for general commercial uses representing various types of retail trades, businesses and services for a regional or local area. Typical locations for such uses shall include: central urban commercial areas, regional shopping centers and clusters of commercial development. A further purpose of this zone is to promote the effective use of Transit Centers and transit facilities in Central Business Districts by encouraging housing with

commercial uses within 500 feet of a Transit Center or in close proximity to Metro stations located in Central Business Districts.

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**59-C-4.358. C-2 zone—Special Development Procedure for Transit-Oriented Mixed Use Development.**

**59-C-4.358.1. Intent.**

The Special Development Procedure is intended to facilitate the effective development of properties located within a Metro Station Policy Area or within 500 feet of a Transit Center, with residential and non- residential land uses that will promote and serve transit ridership. It is intended that the special development procedure provide a significant public benefit, including such features as active and passive recreational use, parkland, or public right-of-way dedications.

**59-C-4.358.2. Eligibility.**

The following requirements must be satisfied:

- (a) The property must be classified in the C-2 zone and not recommended for the TS-M zone in an approved and adopted master or sector plan;
- (b) The property must abut property recommended for the TS-M zone or separated from such property only by a road or other public right-of-way;
- (c) The property must be located in a Metro Station Policy Area that is not within a Central Business District or within 500 feet of a Transit Center;
- (d) At least 60 percent of the development must be for residential use and the ground floor must be for commercial use; however, certain incidental non-commercial uses, such as lobbies, loading areas, and parking access may be at the ground floor level;

(e) Moderately Priced Dwelling Units (MPDUs) must be provided as  
required by Chapter 25A.

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**Sec. 3. Effective date.** This ordinance becomes effective 20 days after the  
date of Council adoption.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council